



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

February 22, 2011

Teresa Trulock, Project Manager
Clearwater National Forest
903 3rd Street
Kamiah, Idaho 83536

Re: EPA Review of the Draft Environmental Impact Statement for the Upper Lochsa Land Exchange (EPA Project #:08-068-AFS)

Dear Ms. Trulock:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Upper Lochsa Land Exchange on the Clearwater, Nez Perce and Idaho Panhandle National Forests. Our review of the DEIS was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the DEIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

The DEIS analyzes a no action alternative and four action alternatives under which the U.S. Forest Service would acquire 39,371 acres of Western Pacific Timber, LLC (WPT) land located in the upper Lochsa River drainage in northern Idaho. Alternatives analyzed range from the direct purchase of the WPT land (under which no National Forest land would be exchanged) to the exchange of up to 17,854 acres of National Forest Land for the WPT land. The preferred alternative is Alternative D, which would exchange up to 14,153 acres of Forest Service land. Under this alternative, the exchange would be phased in over three years, allowing time for the Forest Service to compete for federal funds to purchase WPT land in order to minimize the federal exchange component.

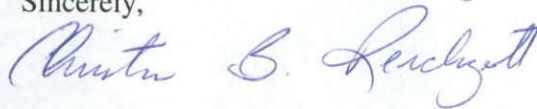
We appreciate the responsiveness of the Forest Service to our comments at the scoping phase. EPA initially registered concern over some of the parcels to be included in the exchange due to their placement relative to ongoing restoration work and/or their value in providing critical habitat for listed fish species. Maintaining the riparian areas within these parcels under PACFISH/INFISH will help to ensure that long term water quality and habitat restoration goals are achieved. We are also supportive of the direction and intent of Alternative D as it seeks to minimize the amount of National Forest Land included in the exchange.

Our review of the DEIS focused in large part on the water bodies within the National Forest parcels to be exchanged. As detailed in the attached comments, our review raised a number of questions about the completeness and accuracy of the water quality effects analysis. In particular,

we want to ensure that impaired waterbodies, and waterbodies for which Total Maximum Daily Loads (TMDL) have been established are accurately characterized in the DEIS, and managed accordingly. In cases where impaired water bodies would be transferred from Forest Service ownership to WPT ownership, we encourage the Forest Service to include a term of exchange that would require riparian protection beyond what would be required under the Idaho Forest Practices Act.

Based on our analysis, we have rated this DEIS as EC-2 (Environmental Concerns – Insufficient Information). An explanation of this rating is enclosed. We appreciate the opportunity to provide comments, and I encourage you to contact Teresa Kubo of my staff with any questions at (503) 326-2859 or kubo.teresa@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

**EPA Region 10 Detailed Comments on the
Draft Environmental Impact Statement
for the Upper Lochsa Land Exchange
2/22/2011**

Impaired water bodies

The DEIS states that there is only one 303(d) listed stream segment (Beaver Creek) within any of the exchange parcels. Accordingly, Table 3-28 provides an overview of impaired stream segments and lists Beaver Creek as impaired for temperature. Table 3-28 provides a helpful synthesis of information, but it does not appear to be complete, or to fully correspond with Table 3-30, which identifies stream miles within the NFS Exchange Parcels. For example, Beaver Creek is listed in Table 3-28, but not in Table 3-30. Further, Table 3-30 lists a number of streams which, based on Idaho Department of Environmental Quality (IDEQ) comments¹, should be identified as impaired, but which are not included in Table 3-28 (see Table 1 below). In addition, some of these streams have established TMDLs in place (also in Table 1 below). It may be that the listed segments would not be involved in the exchange, however it is not possible to make that determination as Table 3-30 does not include locational data (e.g. waterbody identification codes).

We also note that the DEIS states that where timber harvest would occur in sub basins with TMDL Assessments and Implementation Plans, it is likely that modification of best management practices (BMPs) would be required by IDEQ. The DEIS goes on to say that this adaptive management would be in addition to existing BMPs prescribed in the various Idaho Forest Practices Act (IFPA) regulations (DEIS p. 89). EPA would support such an initiative; however IDEQ does not generally play a direct role with regard to TMDL implementation. TMDL implementation plans are generally developed by the land management agencies. IDEQ may play a general coordination role, but, in our experience, they tend not to be involved in the specific industry BMP choices within industry-specific portions of implementation plans. In the case of forestry, the Idaho Department of Lands (IDL) would be the implementing agency. We anticipate that IDL would apply existing Idaho Forest Practices Act (IFPA) rules and BMPs.

As noted on page 86 of the DEIS, riparian management strategies on Federal Land under PACFISH/INFISH are designed to be more protective of aquatic resources and riparian habitat. EPA has established the position that shade requirements under IFPA (retain 75% of existing shade) may not be adequate to meet the restoration and anti-degradation goals of the Clean Water Act. We are concerned that moving streams that may not be supporting beneficial uses due to temperature and sediment to a less protective management strategy is not consistent with the goals of the TMDL program.

Recommendations:

- We recommend that you confer directly with the Idaho Department of Environmental Quality to ensure that the beneficial use support status of streams and inventory of completed TMDLs is accurately characterized in the FEIS.
- We recommend that Tables 3-28 and 3-30 be reviewed for internal consistency, and that locational information be added to Table 3-30 to facilitate review. We also recommend that table references in section 3.12.2.3 be checked for accuracy.

¹ Steward, D.D. Letter to Teresa Trulock 22 Dec. 2010. Re: Upper Lochsa Land Exchange NEPA/DEIS. State of Idaho Department of Environmental Quality.

- We recommend that the Forest Service seek concurrence from IDEQ and IDL with regard to BMPs that would be applied on 303(d) listed reaches. If IFPA will be the primary implementation mechanism, we recommend that the assumptions and analysis in the FEIS be revised accordingly.
- In cases where impaired water bodies would be transferred from Forest Service ownership to WPT ownership, we encourage the Forest Service to include a term of exchange that would require riparian protection beyond what would be required under the Idaho Forest Practices Act.

Table 1 – Beneficial Use Support and TMDL Status of Select Waterbodies Identified in Table 3-30 in the Upper Lochsa Land Exchange DEIS

Creek Name	Beneficial Use Support Status	TMDL
Arson	Not supporting CWA, SS, CR due to bac-t, sed, temp*	
Cloverleaf	Not supporting DWS, CWA, SS due to temp	
Deep	Not Supporting CWA, SS due to sed, temp	temp, sed, e.coli
Dutch Oven	Not Supporting CWA, SS due to sed, temp	temp
East Fork Deep	Not Supporting CWA due to bac-t, sed, temp	
Elk	Not Supporting CWA, SS due to temp	temp
Gold	Not Supporting CWA, CR due to bac-t, sed, temp	temp, sed, e.coli
Little Red Horse	Not Supporting CWA, SS due to temp	temp
Red Horse		temp
Long Meadow	Not Supporting CWA, SS, CR due to bac-t, sed, temp	
Oviatt	Not Supporting CWA, SS, CR due to bac-t, sed, temp	
Red Horse	Not Supporting CWA, SS due to temp	
SF Clearwater R.		temp
Steep	Not Supporting CWA, SS due to temp	
Swamp	Not Supporting CWA, SS due to sed, temp	
Waterhole	Not Supporting CWA, SS, CR due to bac-t, sed, temp	
West Fork Big Elk	Not Supporting CWA, SS due to temp	
Whiskey	Not Supporting CWA, SS due to temp	

*CWA – cold water aquatic life
SS – salmonid spawning

DWS – domestic water supply
CR – contact recreation
Sed - sediment

Bac-t – E-coli
Temp –
Temperature

Restoration

The Clearwater National Forest has a commendable record of restoration in the upper Lochsa drainage, and we are pleased with the stated intent in the DEIS to pursue restoration funding and activities on the parcels to be acquired. We are also pleased with the commitment on the part of WPT to donate \$500,000 toward restoration work. In 2006 EPA worked with IDEQ and the Forest Service to examine conditions in the Lochsa Basin in support of developing an approach to address temperature and sediment impaired waters in the basin. The results of that work highlight the

importance of not only the ongoing restoration work in the basin, but the potential water quality benefits afforded by the proposed land exchange. Attachment 1 provides a graphical representation of road densities in the upper Lochsa basin. Managing the upper basin as a whole toward meeting Forest Plan standards for road density and stream conditions will be critical to moving the water bodies within the basin toward fully supporting beneficial uses. We encourage the Forest Service to continue to prioritize restoration efforts within the Lochsa drainage. We also encourage the Forest Service to include the \$500,000 commitment on the part of WPT as a term of the exchange in the Record of Decision.

Attachment 1 – EPA Comments on Upper Lochsa Land Exchange DEIS

Figure 1: Road Density in the Lochsa Drainage

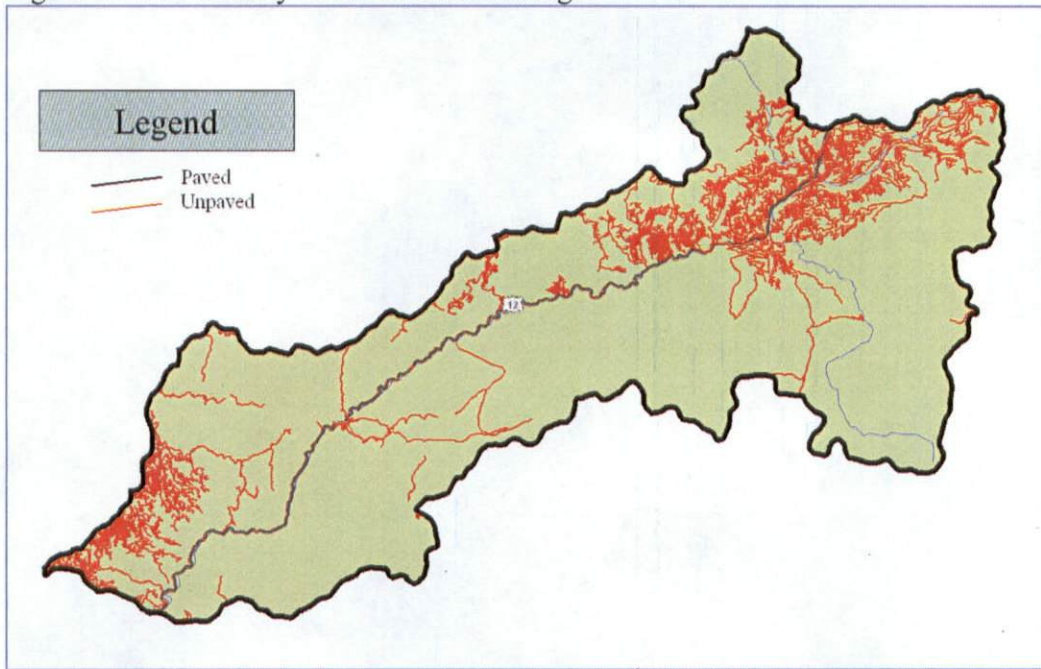
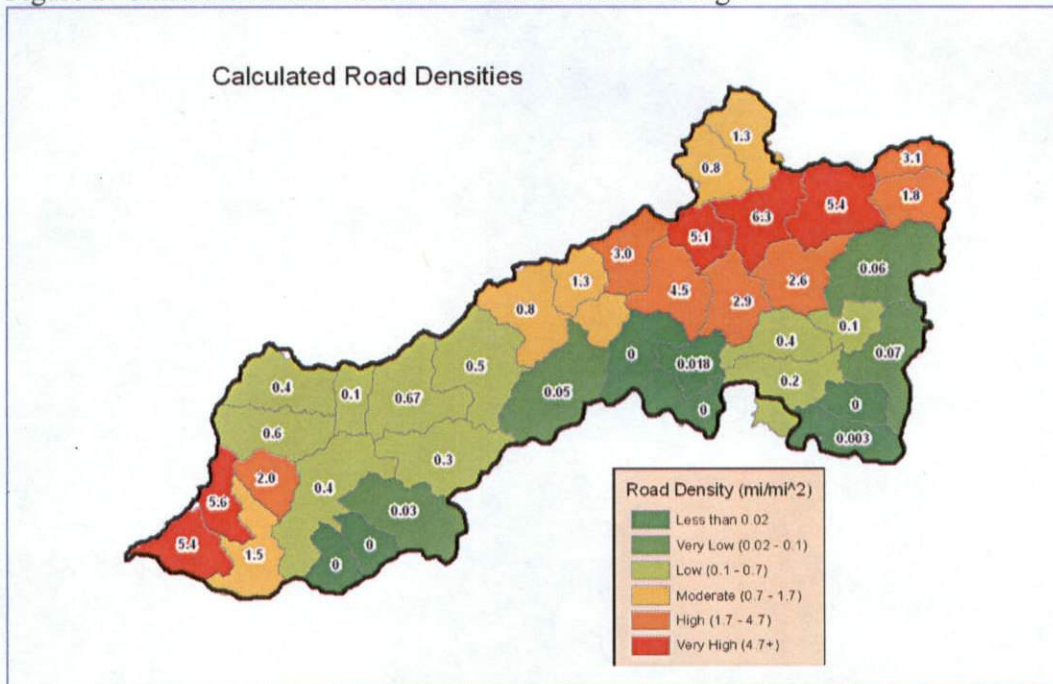


Figure 2: Calculated Road Densities in the Lochsa Drainage



**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.